

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David A. Borton,

Civil No. 04-3396 (DWF/RLE)

Petitioner,

v.

ORDER

Donald L. Stine,

Respondent.

David A. Borton, *Pro Se*, #10988-040, Petitioner.

Steven L. Schleicher, Assistant United States Attorney, United States Attorney's Office, Respondent.

Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, it is --

ORDERED:

That the Petitioner's Application for Habeas Corpus Relief under Title 28 U.S.C. § 2241 (Doc. No. 1) is **DISMISSED**.

Dated: July 26, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court